

**District V Advisory Board  
Minutes  
www.wichita.gov**

**July 7, 2003  
7:00 p.m.**

**Auburn Hills Golf Course Clubhouse  
443 S. 135<sup>th</sup> West**

Six (6) District Advisory Board Members including five (5) regular members and one (1) youth member attended the District V Advisory Board meeting. Eight (8) City Staff were present and approximately 20 members of the public of which six signed the signup sheet.

**Members Present**

Dave Almes  
David Dennis  
Amy Doan  
Maurice Ediger  
Andy Johnson  
John Marker  
Council Member Bob Martz

**Staff Present**

Officer Michelle Schell, Police  
Officer Beck, Police  
Officer C.A. Mains, Police  
Lt. Jeff Wieble, Police  
Roger Smith, Environmental Health  
Scott Knebel, Planning  
Dana Brown, City Manager's Office

**Members Absent**

Bob Bulman  
Sean Cash  
Amy Garcia  
Fran Hoggatt  
Teresa Schmidt

**Guests**

Mille Dold, 15901 W. Kellogg  
O.J. Baalman, 612 S. Maize Road  
Rebecca Prideaux, 926 N. Shefford  
Sonia Greteman, 8621 Tipperary  
Carol Cadwell, 255 N. Parkwood  
DeAnn Sullivan, 10609 Hidden Valley

**ORDER OF BUSINESS**

**Call to Order**

The meeting was called to order at 7:10 by **Council Member Bob Martz** who welcomed the public and explained the role of the District Advisory Board as advisory to the Council Member as the elected representative for City Council District V. He explained that he does not have a vote in actions taken by the Board as the decisions & discussions were considered when he votes during the City Council meetings. He asked guests to speak only when acknowledged and to state their name and address before speaking.

**Approval of Minutes and Agenda**

The minutes for June 4, 2003 were approved as written by a unanimous vote. The agenda for the meeting was approved.

**Public Agenda**

*This portion of the agenda provides an opportunity for citizens to present issues that are not part of the regular agenda for the meeting.*

No items were presented.

### **Community Police Report**

**Community Police Officer, Michelle Schell, Beat 19** for District V reported on concerns and projects for the area. She said that Law is reviewing a regulation prohibiting motorized scooters on the streets. Schell reminded everyone that her newsletter for Beat 19 was sent out on the 10<sup>th</sup> of the month. When asked what Police knew about any reports on this year's use of illegal fireworks on the Fourth of July, Schell said she was not aware of any information. A question was asked about the radar trailer's use, other officers in attendance reported that the trailer is used steadily and when it's at the patrol station, it is because it is being recharged.

**Action: Receive and file**

### **Proposed Amendments to Existing Anti-Tethering Code**

**Roger Smith, Environmental Health**, presented proposed amendments to the current ordinance of Chapter 6.04 of the Animal Code to prohibit continuous tethering of dogs as a means of constraint. Smith reviewed the issue, saying that the proposal is aimed at public safety and health/welfare of animals. Smith explained the proposed amendment would make it illegal to do the following:

- Continuously tether a dog for more than one hour
- Use a chain that weighs more than 1/8 of the dog's total body weight
- Use a chain that is too short to allow freedom of movement
- Chain a dog in a manner that would cause injury or strangulation
- Attach a chain, rope, or other implement directly to the dog's neck without the proper use of a collar or harness

Smith noted that a tethered dog is three times more likely to bite and is often a method involved in training a dog to fight. In addition, he said the tethering leaves the dog exposed to weather elements and may restrict their access to food and water. He stated that 60-70% of the animal cruelty calls were tethered dogs.

**Johnson** asked how the enforcement of one hour would be handled to which **Smith** said that the enforcement would be complaint-based—as it is now—but agreed that issues would exist such as feuding neighbors in which one reports inaccurately or the demand for animal control officers to verify a violation.

**Dennis** asked for other options that a dog-owner could use if fencing can't be installed. **Smith** said he recognized the limitations but with pet ownership comes responsibility to care properly for the animal. He noted that the DAB could suggest other time periods for limitation. **Ediger** said that a dog needs freedom and space to run and dog runs could be used but long tethers on lines really provided a dog more freedom to run. He asked what other cities of similar size were doing. **Smith** said that of the communities researched, Tucson, AZ was the largest and the biggest different was that they allowed a longer time for tethering.

With no other questions from the Board, **Council Member Martz** invited the public to comment. **Rebecca Prideaux, 926 W. Shefford**, said she was involved in the adoption program for Italian Greyhounds and is very much interested in the welfare of dogs. She provided pictures of dogs that were tethered and noted certain conditions for each. She

noted that the proposed amendments would be difficult to enforce but would help protect animals.

**Sonia Greteman, 8621 Tipperary**, explained that she had worked with Environmental Health staff and the past president of the Kansas Humane Society Board for over a year to work on the proposed amendments. She also provided pictures and said the many of the dogs had dug large holes due to boredom or trying to keep cool. She said that dogs are social creatures that need to be with people. Several cities the groups researched have the same restrictions as proposed. In addition, Greteman said that some resources existed such as funding available for fencing through the People for the Ethical Treatment of Animals (PETA). She also pointed out that a dog could be kept in the house or trained in obedience. Greteman also said that she believed one hour was more enforceable than a longer period of time. Based on comments about the pictures, Johnson said that dogs dig holes for more than boredom but agreed that being tethered 24/7 is truly punishment.

**Carol Cadwell, 225 N. Parkwood**, stated that tethering also includes a public safety aspect as some dogs break their tethers and pose a threat to the safety of people, especially children. Cadwell also said that she supported the amendments as being advantageous for the community as a whole.

**Doan** asked if offenders would have to pay a fine to which **Smith** said that the punishment is totally up to a judge as a cruelty violation could bring a maximum of six months in jail and \$1,000 fine. Other offenses such as a dog running loose have specific fine. **Council Member Martz** asked if the proposed limitations would be easier to enforce with a minimum fine but **Smith** said the issue of purposeful violations versus inadvertent violation is typically considered, such as chronically letting a dog run loose versus a fenced dog that gets out.

**Ediger (Almes)** moved to support the proposed amendments, as proposed. Dennis (Marker) said he couldn't support the one-hour limitation and amended the motion to three hours limit because it would be more feasible for dog owners. **Johnson** asked how the City would enforce any time limitation to which some discussion occurred. Almes called for the question. Board voted 5:0 to support the proposed amendments with a change to the tethering time limit to three hours instead of one hour.

**Action: Recommended approval of the proposed changes to the City Code with a change to the tethering time limit to three (3) hours.**

#### **Registration and Insurance for Inherently Dangerous Dog Breeds**

**Roger Smith, Environmental Health**, also presented a request from citizens and a Council Member to place more stringent controls on Inherently Dangerous Dog Breeds including that Pit Bulls, Rottweilers, and mixes of those breeds be maintained in the same manner as dogs declared dangerous, including:

- Secure closure
- Posting warning signs
- Use of muzzles during transportation outside the secure enclosure

In addition, the proposal would require that the breeds be registered with the Environmental Health Department, have microchips implanted for identification, and that \$200,000 liability insurance be maintained by the owner.

Smith noted that 30% of the severe bites—defined as requiring sutures—are from Pit Bulls, Rottweilers, or a mix of the breeds. He said that cases of over 60% of dangerous dogs reach the hearing stage for the court process because an agreement can't be reached on controlling the dog. In those cases, the dogs are euthanized. He noted that all dogs will bite but a large dog is stronger and will therefore cause more injury.

The Board had no questions at this point and **Council Member Martz** opened the item to the public. **Millie Dold, 15091 W. Kellogg**, said that she represented the local American Kennel Club and strongly supported anti-cruelty efforts. One of her current efforts was being involved in canine legislation. She asked why the owner of a well-mannered dog be expected to pay for insurance. She said that the dog-fighting rings are a cultural issue of being "macho." In addition, Dold said identifying a breed would be difficult but AKC doesn't even recognize Pit Bulls so she wondered if breed-specific restrictions could be legislated. Dold said that the AKC uses the saying, "deeds, not breeds."

**Council Member Martz** asked police present about the dog fighting issue in Wichita. Officer Schell said this was very prevalent in the north area of the community and that it was difficult to enforce violations because the actions were well guarded with systems to warn if police arrived.

**Council Member Martz** asked Smith how many Pit Bulls were typically euthanized in a year to which **Smith** said that total dogs probably numbered 10,000-12,000 but he didn't know the number of Pit Bulls but probably several hundred.

**Johnson** said he had received 13 e-mails with a variety of points about this particular proposal but his contention was that owning a dog is a privilege, not a right. **Dennis** said that the only part being challenged in the proposed sections for the code defining a "dangerous dog" is Section (e), the definition that states, "Any dog determined to be a member of the breed groups commonly known as Rottweiler, Pit Bull, or mix of the breeds." **Ediger** said that it appears the breed identification could be debatable. **Marker** asked if Environmental Health knows how many dogs from these breeds are typically deemed dangerous in a year. Smith said probably more than a dozen and that he defines those as the cases that continue through the hearing process. The outcome is that these dogs are usually euthanized or contained.

**Dennis (Ediger)** moved to support the proposed amendments with the exception of Section (e) that identifies certain breeds as dangerous. Motion carried 5:0. **Doan** expressed support for the motion, saying that she didn't feel a particular breed should be singled out as dangerous, no matter what their breed. **Johnson** said that he agreed; that only through the dog's action/demonstration should a dog be considered dangerous

**Action: Recommended approval of the proposed changes to the City Code with the exception of delineating Section (e) identifying specific breeds as dangerous.**

**Planning Agenda**

**DP #3 with CUP2003-00033 with ZON2003-00033**

**Scott Knebel, Planning**, presented a request to amend the current zoning of “LI” Limited Commercial to DP-9 Westlink Center CUP and a zone change to “GC” General Commercial to allow outdoor seasonal display and outdoor storage at the southwest corner of Central and Taft. He noted a justification for the applicant’s request to modify the regulation of a 25-foot setback from public right-of-way for outdoor display area to no setback. Staff supports the request because a setback would create a site circulation problem for large vehicles, particularly emergency vehicles. The applicant requests a 4,500 square foot outdoor storage area to the south of the service drive. Due to the loading docks, the outdoor storage area cannot be attached to the building as required by Limited Commercial so the request to change to General Commercial is appropriate. Only living plants would be stored next to the street, no garden materials. Staff is recommending approval subject to conditions in the staff report.

Having no questions from the Board, **Council Member Martz** asked for comments from the public. With no comments from the audience, **Terry Smythe, Agent** for the applicant, asked to speak. He noted that the owner would like to be able to use the outdoor storage area for 150 days, from April through August.

**Almes (Dennis)** moved to support as staff recommended. **Ediger** asked what hardship the 120-day restriction would pose to which **Smythe** said the applicant would lose 30 days of selling during the season. **Dennis** said that it seemed fair for their selling period to be consistent with other stores. **Council Member Martz** asked Knebel if it would be problematic to extend that time period for this applicant. **Knebel** said it probably wouldn’t because other businesses with the limited selling time period are in more heavily zoned areas as compared to the applicant’s business. Businesses that sell seasonal plants & gardening materials like Wal-Mart have 150 days. **Ediger** said it was fair then for the applicant to have 150 days. **Ediger (Marker)** then amended the motion to allow 150 days instead of 120 days. Motion passed 4:1 with Dennis voting no.

**Action: Recommendation to support staff recommendation to approve with conditions and amended the time period for selling in the outdoor area to 150 days.**

**Board Agenda**

**Updates, Issues, and Reports**

**DAB Members**

**Dennis** asked why the planning case on Maize regarding the use of the Catholic Diocese building was not presented. **Council Member Martz** reported on a public meeting held by the City involving area resident and staff from Planning, Water & Sewer, and Public Works in which residents were provided information and answers to questions, particularly regarding drainage and traffic. As a result, the applicant, Matt Lillie, is working on additional details and plans for development.

**Almes** asked about the planning request in the Barefoot Bay area and how it differed from previous requests that had been denied. **Council Member Martz** said the request was for the parcels to be developed as industry and because the current zoning is Industrial, the request needs no additional hearing.

A question was asked about the status of the Westport traffic issue. **Staff** reported that the situation was reviewed in the Development Coordinating Committee which consists of department and division heads who meet weekly to review development issues, requests, projects, etc. The Committee decided the situation on Westport is an enforcement issue for speeding.

**Dennis** then asked if the noise issues were resolved with The Game on West Kellogg. **Officer Chris Mains** addressed the concern by saying that the bar had a very large fenced outdoor area where bands are set up on Friday & Saturday nights. Mains said the residence located closest to the fence is within the 250 feet restriction. Residents who live on Five Hole Street (adjacent to Auburn Hills Golf Course) have signed a complaint form. Police have been working with the owner of the bar and he has agreed to move the band indoors. Mains said that they owner thought the bar was located in a different area of zoning. Staff agreed to check the zoning.

**Johnson** asked about the status of the committee examining ways to regulate funeral escort drivers. Staff reported that the city/county committee had determined that the City needed to address since most complaints originate in the city. The committee had decided at the last meeting that City Law would work on amending the city ordinance to include greater restrictions for funeral escort drivers and the City would again license funeral escort services for those escorting funeral processions in the City.

**Action: Staff will collect additional information as agreed.**

The next meeting for District Advisory Board V is scheduled on August 4, 2003 at Auburn Hills Clubhouse at 7:00 p.m. With no further business, the meeting was adjourned at approximately 9:30 p.m.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant  
City Council District V

**Guests**

Mille Dold	15901 W. Kellogg
O.J. Baalman	612 S. Maize Road
Rebecca Prideaux	926 N. Shefford
Sonia Greteman	8621 Tipperary
Carol Cadwell	255 N. Parkwood
DeAnn Sullivan	10609 Hidden Valley